

HORVAIS ET AL.
Appl. No. 10/583,948
Atty. Ref.: 960-49
Supplemental Amendment
February 11, 2009

REMARKS

Reconsideration is requested.

Claim 46 has been revised, without prejudice.. Upon review of the claims of the Preliminary Amendment with the Office Action dated February 3, 2009, the applicants have appreciated that the Preliminary Amendment inadvertently revised claim 46 to delete the above dependence on claim 39. The error has been corrected above.

The applicants acknowledge, with appreciation, the Examiner's indication in a teleconference with the undersigned on February 11, 2009 that a further Office Action, in place of the Office Action dated February 3, 2009 will be mailed, with a date re-set for response from the mailing of the new Action, to clarify the reference on page 3 of the Office Action to "Chen".

The undersigned further notes that the applicants expressed to the Examiner and the Examiner's Supervisor (Examiner Benzion) in teleconferences of February 9, 2009, with the undersigned, the belief that the Office Action of February 3, 2009 on the merits is premature in view of the Examiner's withdrawal of the reliance on Beuningen (WO2003/054551) as a basis for the lack of unity objection (see page 3 of the Office Action dated February 3, 2009) and the Examiner's reliance on a difference reference (i.e., "Chen") without providing the applicants an opportunity to traverse and/or otherwise respond. Id.

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Respectfully submitted,

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